IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

THURSDAY, THE 7TH JUNE 2007 / 17TH JYAISHTA 1929

WP(C).No. 17513 of 2007(I)

AGAINST THE ORDER DATED 12/11/2003 IN IA 501/2003 IN OS.42/2003 of SUB COURT,KOTTARAKKARA

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PETITIONER:

DEVIKA RANI, AGED 45,
D/O LATE CHEMPAKAVALLY, HOUSE NO.28,
PUNNAPURAM, TRIVANDRUM.

BY ADV. SRI.VARGHESE KURIAKOSE
SRI.PRAVEEN K.JOY

RESPONDENTS:

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1. RENUKA RANI, ARADHANA,
MUNDACKAL, KOLLAM EAST.

2. CHEMPAKAVALLY,
CHITRALAYAM, PUNALUR.

3. T.R.RAJKUMAR, CHITRALAYAM,
PUNALUR.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 07/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.KRISHNAN, J.

WP(C)No. 17513 OF 2007 I

Dated this the 7th June, 2007.

JUDGMENT

This writ petition is filed seeking a direction to the Subordinate Judge's Court, Kottarakkara to dispose of O.S.42/03 pending before it within a time frame. A perusal of the writ petition would reveal that there was a direction by this Court to dispose of the matter one year back within a period of three months and the suit was dismissed for default and thereafter restoration application was filed which was kept pending for some months and ultimately restored. Now the writ petitioner apprehends further delay in disposal of the case. Since the matter was once listed for trial and dismissed for default, it is clear that it would have ripened for trial at that stage. Taking note of the direction of this Court for an expeditious disposal it is the duty of the court below to dispose it at the earliest. Therefore, the writ petition is allowed and the Subordinate Judge, Kottarakkara is directed to dispose of O.S.42/2003 pending before it within a time frame of three months.

M.N.KRISHNAN
Judge

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